

REMARKS/ARGUMENTS

In the Office Action mailed May 6, 2005, in the above-identified pending application, claims 1-47 are pending in the application.

Claims 1-22 and 24-47 are rejected under 35 USC 102(e) as being anticipated by De La Huerga (U.S. 2002/0084904). In response, Applicants respectfully contend that De La Huerga does not anticipate the claimed invention. MPEP 2136.05 [Overcoming a Rejection Under 35 USC 102(e)] states that:

When a prior U.S. patent or when examining PG-PUB applications (see MPEP §2136), a prior U.S. patent application publication or international application publication, is not a statutory bar, 35 USC 102(e) rejection can be overcome by antedating the filing date (see MPEP §2136.03 regarding critical reference date of 35 USC 102(e) prior art) of the reference by submitting an affidavit or declaration under 37 CFR 1.131 or by submitting an affidavit or declaration under 37 CFR 1.132 establishing that the relevant disclosure is Applicants own work.

The attached Declaration of Walter W. Mosher, Jr., one of the inventors of the instant application, demonstrates that the subject matter of De La Huerga was well known to the Applicants of the instant application as the Applicants had conceived of and been developing this subject matter prior to the De La Huerga filing date. See Declaration of Walter W. Mosher, Jr., attached hereto.

The inventors conceived of the identification band with adhesively attached coupling elements at least as early as 1996; engaged in research, development and design over the next several years; and filed the present application, U.S. Patent Application Serial No. 10/712,935 on November 12, 2003.

De La Huerga is not a statutory bar and the 35 USC 102(e) rejection is overcome by antedating the November 13, 2001 filing date of the De La Huerga

application and any of its related applications by the Declaration under 37 CFR 1.131. Thus, the rejections of claims 1-22 and 24-47 should be withdrawn.

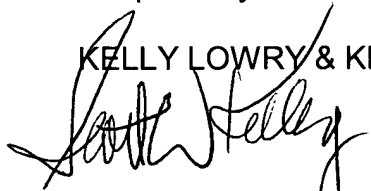
Claim 23 is rejected under 35 USC 103(a) as being unpatentable over De La Huerga in view of Harilela (U.S. Patent 4,862,463). In response, Applicants respectfully submit that De La Huerga fails to disclose claim 19 for the reasons outlined above, and therefore claim 23 is also allowable.

CONCLUSION

Applicants believe that the foregoing arguments distinguish the claims of the present invention from the prior art references. Accordingly, Applicants believe that all pending claims 1-47 are in condition for allowance, notice of which is hereby respectfully requested.

Respectfully submitted,

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Enclosures:

Applicants' §131 Declaration

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